

REMARKS

Claims 1-30 are pending in the application. Claims 1, 12, 19, 22 and 26 are independent. Claims 12-30 are withdrawn from consideration. By the foregoing Amendment, claim 1 has been amended. These changes are believed to introduce no new matter and their entry is respectfully requested.

Objection to Claim 1 Under 35 U.S.C. §132

In the Office Action, the Examiner objected to claim 1 under 35 U.S.C. §132 as introducing new matter into the disclosure. Although Applicants believe claim 1 is patentable as written in the interest of expediting prosecution, Applicants have amended claim 1 to accommodate the Examiner. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the objection to claim 1.

Rejection of Claims 1-11 Under 35 U.S.C. § 112, First Paragraph

In the Office Action, the Examiner rejected claims 1-11 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Although Applicants believe claim 1 is patentable as written in the interest of expediting prosecution, Applicants have amended claim 1 to accommodate the Examiner. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the objection to claims 1-11.

Rejection of Claims 1-6 and 8-10 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 1-6 and 8-10 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,370,019 to Matthies et al. (hereinafter “*Matthies*”). Applicants respectfully traverse the rejection.

To establish a *prima facie* case of obviousness, the Examiner must show that the cited references teach each and every element of the claimed invention. (MPEP §2143.) *citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was independently known in the prior art. *KSR Int'l C. v. Teleflex, Inc.*, No 04-1350 (U.S. Apr. 30, 2007). If a combination or modification to a reference is used, an Examiner must show that there

is some expectation of success that the combination or modification proffered would predictably result in the claimed invention. Obviousness is a question of law based on underlying factual inquiries. The factual inquiries enunciated by the U.S. Supreme Court in *KSR* include the *Graham* factors of determining the scope and content of the prior art, ascertaining the differences between the claimed invention and the prior art, and resolving the level of ordinary skill in the pertinent art.

Once the *Graham* factual inquiries are resolved, the Examiner must explain why the difference(s) between the cited references and the claimed invention would have been obvious to one of ordinary skill in the art. The rationale used must be a permissible rationale. The USPTO promulgated Examination Guidelines for Determining Obviousness in View of *KSR* in the Federal Register, Vol. 72, No. 195 (October 10, 2007). These *KSR* Guidelines enumerate permissible rationales and the findings of fact that must be made under the particular rationale.

Independent claim 1 recites in pertinent part “a plurality of emissive display modules, each module including at least two alignment elements; a plurality of gaps between said plurality of emissive display modules, *said plurality of gaps having therein an adhesive*” (emphasis added). Applicants respectfully submit that *Matthies* fails to teach a plurality of gaps between emissive display modules, the plurality of gaps having therein an adhesive. Accordingly, because *Matthies* fails to teach at least this element, Applicants respectfully submit that *Matthies* does not render claim 1 obvious and thus claim 1 is thus patentable over *Mattheis*.

Claims 2-6 and 8-10 properly depend from claim 1 and are thus patentable for at least the same reasons that claim 1 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 1-6 and 8-10.

Rejection of Claim 7 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being obvious over *Matthies* in view of U.S. Patent No. 6,343,006 to Moscovitch et al. (hereinafter “*Moscovitch*”). Applicants respectfully traverse the rejection.

Claim 7 properly depends from claim 1 and is thus patentable for at least the same reasons that claim 1 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 7.

Rejection of Claim 11 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being obvious over Matthies in view of U.S. Patent No. 6,190,172 to Lechner et al. (hereinafter “*Lechner*”). Applicants respectfully traverse the rejection.

Claim 11 properly depends from claim 1 and is thus patentable for at least the same reasons that claim 1 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 11.

CONCLUSION

Applicants submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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